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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 United States of America,) CR 05-00889 RSWL
12)
13 Plaintiff,) **ORDER Re: Defendant's**
14 v.) **Motion for New Counsel**
15) **[125]**
16 Santiago Curiel,)
17 Defendant.)
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19 Presently before the Court is Defendant Santiago
20 Curiel's Motion for New Counsel [125]. Having reviewed
21 all papers submitted pertaining to this Motion, the
22 Court **NOW FINDS AND RULES AS FOLLOWS:**

23 Defendant Santiago Curiel's Motion for New Counsel
24 is **DENIED**.

25 Defendant Santiago Curiel ("Defendant") brings this
26 present Motion requesting the appointment of counsel in
27 order to aid Defendant in his proceedings under 28
28 U.S.C. § 2255 ("2255 Motion").

The Supreme Court has repeatedly recognized that

1 defendants have no right to counsel beyond their first
2 appeal of right. See Pennsylvania v. Finley, 481 U.S.
3 551, 555 (1987). The Ninth Circuit has similarly
4 recognized that "[p]risoners do not have a
5 constitutional right to counsel when mounting collateral
6 attacks upon their convictions." United States v.
7 Angelone, 894 F.2d 1129, 1130 (9th Cir. 1990).

8 As such, there is no right to appointment of
9 counsel in a proceeding under 28 U.S.C. § 2255. Id.
10 However, pursuant to 18 U.S.C. § 3006A(a)(2)(B), a
11 prisoner "seeking relief under § 2255 may be provided
12 counsel when 'the court determines that the interests of
13 justice so require and such person is financially unable
14 to obtain representation.'" Sarratt v. United States,
15 2010 WL 2898293, at *4 (N.D. Cal. July 21, 2010)(quoting
16 28 U.S.C. § 3006A(a)(2)(B)). However, "[s]ituations
17 where the appointment of counsel for a § 2255 petitioner
18 is appropriate are very rare, and such appointment is
19 typically reserved for truly complex and legally subtle
20 cases." Fernandez-Malave v. United States, 502 F. Supp.
21 2d 234, 241 (D.P.R. 2007)(citing United States v. Mala,
22 7 F.3d 1058, 1063-64 (1st Cir. 1993)).

23 The Court finds that the interests of justice do
24 not require that counsel be appointed for Defendant here
25 for his 2255 Motion. Specifically, the Court finds that
26 Defendant will be able to sufficiently articulate his
27 claims, as the legal issues raised by Defendant's 2255
28 Motion "lack the complexity that would render

1 appointment of counsel appropriate in the interest of
2 justice." Fernandez-Malave, 502 F. Supp. 2d at 241.

3 As such, the Court **DENIES** Defendant's Motion for
4 New Counsel.

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6 DATED: July 21, 2011

7 **IT IS SO ORDERED.**

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10 RONALD S.W. LEW

11 **HONORABLE RONALD S.W. LEW**

12 Senior, U.S. District Court Judge
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